

Attorney Docket No. 8401.05

Customer No. 37833

Confirmation No. 5004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT: ERLING A. FREUDENDAHL

APPL. NO. : 10758,110 ART UNIT : 3753

FILED : JANUARY 16, 2004 EXAMINER: RIVELL, JOHN A...

TITLED : HYDRANT KNOCK-OFF COMBINATION FLOW STOP

AND BACKFLOW CHECK VALVE

MAIL STOP **AMENDMENT**COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated March 2, 2006, the Examiner required restriction under 35 U.S.C. §

121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-19, drawn to a frangible hydrant including a check valve function.
- II Claim 20, drawn to a hydrant including only a backflow preventer.

The Examiner states that the inventions of Groups I and II are related as combination and subcombination. In order to establish that the separate inventions of Groups I and II are distinct, the Examiner asserts that the combination of Group I does not require the particulars of the Group II

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subcombination, namely the detains, for patentability. The Examiner further alleges that the subcombination

of Group II has other utility, "such as in a freezeless wall mounted spigot."

In compliance with the Examiner's restriction requirement, Applicant provisionally elects with

traverse for further prosecution the invention defined by Claims 1-19 (designated as Group I).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicant

contends that he should be entitled to a consideration of a reasonable number of related embodiments falling

within the scope of a generic inventive concept. Moreover, it would appear that a search and examination

of the entire application could be accomplished without a serious burden on the Examiner since the multiple

embodiments identified of record would seemingly encompass a common field of search.

For the foregoing reasons, it is respectfully requested that the Examiner withdraw the restriction

requirement and issue an action on the merits of the claimed embodiments presently in the application.

Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the

merits of the elected subject matter.

Respectfully submitted,

Dolph H. Torrence

Registration No. 34,501

(703) 486-1000

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